

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

2007 JUL 19 P 3:51

DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

**SUE F. BRADLEY,**

Plaintiff,

VS.

**GUIDANT CORPORATION, et al,**

Defendants.


**CIVIL ACTION NO.**  
**3:07-cv-661 MHT**

(removed from the Circuit Court  
of Randolph County, Alabama,  
CV-07-85)

**MOTION TO DISMISS**

Without waiving any other defense he may have to this lawsuit, Defendant Linda Garmon ("Garmon") moves to dismiss the Plaintiff's Complaint, under Rule 12(b)(6) of the Federal Rules of Civil Procedure, for failure to state a claim upon which relief can be granted. In support of this motion, Garmon states that she has been fraudulently joined to this action, and incorporates the legal arguments, citations, and exhibits in Defendant Guidant Corporation and Guidant Sales Corporation's Notice of Removal.

DATED this 19th day of July 2007.

  
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Andrew B. Johnson (JOH168)  
One of the attorneys for  
Linda Garmon

OF COUNSEL:

Fred M. Haston, III (HAS012)  
Bradley Arant Rose & White LLP  
1819 Fifth Ave. North  
Birmingham, Alabama 35203  
(205) 521-8000  
(205) 521-8810 (fax)

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing on:

Thomas J. Knight  
HUBBARD & KNIGHT  
1125 Noble Street  
P.O. Box 1850  
Anniston, Alabama 36202

Steve R. Morris  
Morris Law Office  
P.O. Box 814  
Wedowee, Alabama 36278

*Counsel for Plaintiff*

Michael K. Wright Esq.  
Starnes & Atchison LLP  
100 Brookwood Place, 7th Floor  
Birmingham, AL 35209  
*Counsel for Michael Aikens, M.D.*

via U.S. Mail this 19th day of July, 2007.

  
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Of Counsel